
From: Brian Burns <brian.burns@smithvillazor.com>
Sent: Wednesday, March 15, 2023 6:13 PM
To: Todres, Andrew; Patrick Smith
Cc: Bebchick, Lisa; Hennes, David
Subject: RE: [EXTERNAL EMAIL] JPMC - EVCP Motion to Compel Papers (22-cv-10018/22-cv-10904)

[EXTERNAL]

Andrew – We agree with those terms, subject to modifying the following sentence in the following manner to conform it with my email from 3/14 at 12:11pm: “If the Administrator is ordered to **and does** produce materials to JPM, then it will produce the following equivalent materials to DB on the same date it **is ordered to** produces them to JPM:”

Thanks,

Brian T. Burns
Smith Villazor LLP
250 West 55th Street, 30th Floor
New York, New York 10019
Office (212) 582-4400 | **Direct** (212) 377-0855 | **Mobile** (973) 464-7304

From: Todres, Andrew <Andrew.Todres@ropesgray.com>
Sent: Wednesday, March 15, 2023 12:32 AM
To: Brian Burns <brian.burns@smithvillazor.com>; Patrick Smith <patrick.smith@smithvillazor.com>
Cc: Bebchick, Lisa <Lisa.Bebchick@ropesgray.com>; Hennes, David <David.Hennes@ropesgray.com>
Subject: RE: [EXTERNAL EMAIL] JPMC - EVCP Motion to Compel Papers (22-cv-10018/22-cv-10904)

Brian,

Thank you for your time earlier. As we discussed, we agree to the proposal that you outlined in your email from 3/14 at 12:11pm, except as to timing of production. As to timing of production, here is what we propose. If the Administrator is ordered to produce materials to JPM, then it will produce the following equivalent materials to DB on the same date it is ordered to produce them to JPM:

1. The “Jane Doe” file for the Plaintiff in the DB case; and
2. Any categories of documents for which the Administrator would be producing identical sets of documents to both JPM and DB, *i.e.*, documents relating to other EVCP claimants (if the Court limits any production of such categories of documents to a specific date range, we will promptly meet-and-confer in good faith about any claimed burden associated with identifying such documents for the appropriate equivalent date range for DB and whether any modest extension for production of such date-restricted categories of documents would be appropriate).

Provided the EVCP agrees to the above, then DB will agree to forgo its requests for communications concerning DB and communications between the EVCP and the Jane Doe Plaintiff in the DB case (or her agents).

Please let us know if we have an agreement on these terms as soon as possible.

Thanks,
Andrew

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From: Brian Burns <brian.burns@smithvillazor.com>
Sent: Tuesday, March 14, 2023 12:11 PM
To: Todres, Andrew <Andrew.Todres@ropesgray.com>; Patrick Smith <patrick.smith@smithvillazor.com>
Cc: Bebchick, Lisa <Lisa.Bebchick@ropesgray.com>; Hennes, David <David.Hennes@ropesgray.com>
Subject: RE: [EXTERNAL EMAIL] JPMC - EVCP Motion to Compel Papers (22-cv-10018/22-cv-10904)

Andrew – Consistent with our discussion on Friday, our position on this, and the arrangement our client is willing to agree to, is as follows, which is somewhat different from what you described in your email: The Administrator will agree to produce to DB the equivalent categories of documents (if any) that the Administrator ultimately produces to JPM after final resolution of all proceedings and challenges (including any possible appeals) relating to the JPM motion. DB agrees that it will not seek from the Administrator any further documents besides the equivalent categories of documents (if any) that the Administrator ultimately produces to JPM after final resolution of all proceedings and challenges relating to the JPM motion. If the Court denies JPM’s motion in its entirety, DB agrees that it will not seek any further documents from the Administrator at all. As to the timing of any production, since we do not know the scope of any such production at this point, and given the issues of burden and lack of EVCP staffing, we cannot commit at this time to producing any materials that may be produced on the same time frame as any documents that may ultimately be produced to JPM.

Thanks,
Brian

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From: Todres, Andrew <Andrew.Todres@ropesgray.com>
Sent: Monday, March 13, 2023 11:48 AM
To: Brian Burns <brian.burns@smithvillazor.com>; Patrick Smith <patrick.smith@smithvillazor.com>
Cc: Bebchick, Lisa <Lisa.Bebchick@ropesgray.com>; Hennes, David <David.Hennes@ropesgray.com>
Subject: RE: [EXTERNAL EMAIL] JPMC - EVCP Motion to Compel Papers (22-cv-10018/22-cv-10904)

Brian, thanks for sending. This confirms our ability to proceed as discussed. Accordingly, please confirm that the EVCP agrees with Deutsche Bank that the Court’s ruling on JPM’s motion to compel will govern DB’s and the EVCP’s rights and obligations in respect of DB’s subpoena to the EVCP: DB will not seek any categories of documents responsive to its subpoena beyond the equivalent categories of documents that the Court orders the EVCP to produce in response to JPM, and the EVCP will agree to produce to DB any equivalent categories of documents that it is ordered to produce to

JPM, on the same time frame (e.g., if the EVCP is ordered to produce documents or correspondence related to the Jane Doe in the JPM action by March 20, then the EVCP will also be required to produce documents or correspondence related to the Jane Doe in the DB action by March 20). Thanks, Andrew

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From: Brian Burns <brian.burns@smithvillazor.com>
Sent: Monday, March 13, 2023 9:41 AM
To: Todres, Andrew <Andrew.Todres@ropesgray.com>; Patrick Smith <patrick.smith@smithvillazor.com>
Cc: Bebchick, Lisa <Lisa.Bebchick@ropesgray.com>; Hennes, David <David.Hennes@ropesgray.com>
Subject: RE: [EXTERNAL EMAIL] JPMC - EVCP Motion to Compel Papers (22-cv-10018/22-cv-10904)

Andrew – Please see attached.

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From: Todres, Andrew <Andrew.Todres@ropesgray.com>
Sent: Monday, March 13, 2023 8:45 AM
To: Brian Burns <brian.burns@smithvillazor.com>; Patrick Smith <patrick.smith@smithvillazor.com>
Cc: Bebchick, Lisa <Lisa.Bebchick@ropesgray.com>; Hennes, David <David.Hennes@ropesgray.com>
Subject: FW: [EXTERNAL EMAIL] JPMC - EVCP Motion to Compel Papers (22-cv-10018/22-cv-10904)

Brian, please send the motion to compel papers today. Thanks, Andrew

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From: Sabina Mariella <SMariella@BSFLLP.com>

Sent: Monday, March 13, 2023 7:59 AM

To: Singer, Linda <lsinger@motleyrice.com>; Todres, Andrew <Andrew.Todres@ropesgray.com>; Brad Edwards <brad@epllc.com>; Brittany Henderson <brittany@epllc.com>; DoeService <DoeService@bsfllp.com>; Liu, Mimi Y <mliu@motleyrice.com>

Cc: Brian Burns <brian.burns@smithvillazor.com>; Patrick Smith <patrick.smith@smithvillazor.com>; Ellsworth, Felicia H <Felicia.Ellsworth@wilmerhale.com>; O'Laughlin, Andy <Andy.OLaughlin@wilmerhale.com>; Hennes, David <David.Hennes@ropesgray.com>; Bebchick, Lisa <Lisa.Bebchick@ropesgray.com>; Dowden, James P. <James.Dowden@ropesgray.com>

Subject: RE: JPMC - EVCP Motion to Compel Papers (22-cv-10018/22-cv-10904)

No objection from Doe.

From: Singer, Linda <lsinger@motleyrice.com>

Sent: Sunday, March 12, 2023 10:54 PM

To: Todres, Andrew <Andrew.Todres@ropesgray.com>; Brad Edwards <brad@epllc.com>; Brittany Henderson <brittany@epllc.com>; DoeService <DoeService@bsfllp.com>; Liu, Mimi Y <mliu@motleyrice.com>

Cc: Brian Burns <brian.burns@smithvillazor.com>; Patrick Smith <patrick.smith@smithvillazor.com>; Ellsworth, Felicia H <Felicia.Ellsworth@wilmerhale.com>; O'Laughlin, Andy <Andy.OLaughlin@wilmerhale.com>; Hennes, David <David.Hennes@ropesgray.com>; Bebchick, Lisa <Lisa.Bebchick@ropesgray.com>; Dowden, James P. <James.Dowden@ropesgray.com>

Subject: RE: JPMC - EVCP Motion to Compel Papers (22-cv-10018/22-cv-10904)

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The USVI does not object to sharing the briefing.



Linda Singer Attorney at Law

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lsinger@motleyrice.com

From: Todres, Andrew <Andrew.Todres@ropesgray.com>

Sent: Friday, March 10, 2023 3:18 PM

To: Brad Edwards <brad@epllc.com>; Brittany Henderson <brittany@epllc.com>; DoeService <DoeService@bsfllp.com>; Singer, Linda <lsinger@motleyrice.com>; Liu, Mimi Y <mliu@motleyrice.com>

Cc: Brian Burns <brian.burns@smithvillazor.com>; Patrick Smith <patrick.smith@smithvillazor.com>; Ellsworth, Felicia H <Felicia.Ellsworth@wilmerhale.com>; O'Laughlin, Andy <Andy.OLaughlin@wilmerhale.com>; Hennes, David <David.Hennes@ropesgray.com>; Bebchick, Lisa <Lisa.Bebchick@ropesgray.com>; Dowden, James P. <James.Dowden@ropesgray.com>

Subject: JPMC - EVCP Motion to Compel Papers (22-cv-10018/22-cv-10904)

CAUTION:EXTERNAL

Counsel:

On behalf of Deutsche Bank, we have requested that counsel to the Epstein Victims' Compensation Program provide us copies of the motion to compel papers that were filed under seal in the JPMC cases. Counsel to the EVCP and JPMC (both cc'ed) have confirmed to us that they have no objection to our request. Can you please let us know by no later than Monday morning whether the Jane Doe Plaintiffs or the USVI have any objection?

Thanks,
Andrew

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